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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,978	04/12/2001	Jerry A. Jenks	698	2070

7590

10/28/2002

Law Offices of John D. Gugliotta, P.E., Esq.  
202 Delaware Building  
137 South Main Street  
Akron, OH 44308

EXAMINER
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LUEBKE, RENEE S

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 10/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicant(s) N .

09/833,978

Applicant(s)

JENKS

Examiner

Renee S. Luebke

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 10 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 10 September 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. Applicant is reminded NOT to follow a faxed copy with a follow-up copy (see 37 CFR 1.6(d) and 1.8(b)). Additional papers only slow processing; duplicate papers will be discarded.

2. The proposed drawing corrections, filed September 10, 2002 are generally acceptable. However, the drawings remain objected to because insulating materials, especially receptacle 16 and housing 12, should be properly crosshatched in the section views. See MPEP 608.02 for drawing conventions. It is noted that 16b, which should apparently be a void, is presently indicated by the crosshatching as a superconductor.

Proposed drawing corrections or, preferably, corrected formal drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The disclosure remains objected to because:

The specification still contains many typographic and grammatical errors (including the "sentence" on lines 10-13 of page 5).

✓ Contrary to the paragraph beginning on page 6, line 5, the touching surfaces are not "acutely intersecting" since they meet at an angle that is considerably more than 90°.

✓ The statement in the amended paragraph from page 6 still indicates that the structure would short out any device attached thereto. There is a single contact 48 which comes in contact with both receptacle connectors 16a.

✓ Contrary to page 6, contact 48 does not appear to be "biased toward one side of body 44." As seen in amended fig. 3, contact 48 remains away from the body 44 until contact 46 moves into an actuating position.

✓ Contrary to the sentence spanning pages 5-6, "16" does not indicate "receptacle connectors." This reference numeral in Fig. 1 appears to indicate a receptacle, which has apertures for three prongs and, presumably, three

Art Unit: 2833

connectors inside (and unseen in this figure). It appears that in amended Fig. 3, "16a" indicates two of these apertures, those normally used for the positive and negative prongs to contact the left end of the terminals or connectors 48. Further, 16b does not indicate a ground connector; in amended Fig. 3, it appears to indicate an aperture into which the third prong of a grounded plug would be inserted.

Appropriate corrections are required.

✓ 4. Claim 12 is objected to, as being significantly redundant. This claim implies that there is a second ground prong and a second ground receptacle, since most of the structure is previously mentioned in claim 2.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Freeman. In regard to claim 1, Freeman comprises a plug 17, 18 at one end, a receptacle 27, 28 at the other end, and a rocker switch 41 allowing the user to interrupt electrical continuity as claimed. The plug and receptacle ends are in rigid mechanical contact as now claimed.

7. Claims 2-4, 6, 7, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Osika. The switch of Freeman comprises a housing 22, a pair of male blade connectors 17, 18, female receptacle connectors 19, 20, and a switch 41, 36, etc. accessible through the top surface. Freeman lacks ground terminals since they were not common at the time. However, ground terminals comprising receptacles/prongs are now common. As shown by Osika, they are known to be used on devices similar to that of Freeman as a matter of safety to the user of the circuit. For this reason, it

Art Unit: 2833

would have been obvious to include a ground prong and ground receiving receptacle on the device of Freeman as taught by Osika. Applicant argues that Osika does not comprise a ground prong extending from a first end. However, Osika does teach the addition of a ground prong adjacent the appropriate circuit prongs. Based on this teaching, it would have been obvious to add a ground prong adjacent the appropriate circuit prongs 17, 18 of Freeman, which do extend from the first end.

8. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman and Osika in view of Lockard (see Fig. 3). Lockard comprises a slightly different rocker switch from that shown by Freeman. The switch of Lockard comprises flat actuation surfaces that intersect in the manner claimed, a cam shaped arcuate body 22a, a first contact 62 supported on the body, and a second contact 48a. To use this known arrangement in place of that of Freeman is seen to have been an obvious alternative since such an arrangement requires fewer parts and therefore less cost and fewer assembly steps.

9. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2833

10. It is suggested that responses to this final action be faxed to:  
(703) 872-9319 or 308-7722, 308-7724

Please refrain from sending a confirmation copy, as noted in 37 CFR 1.6(d) and 1.8(b).

For formal communications, please mark "EXPEDITED PROCEDURE."

For informal or draft communications please clearly label "PROPOSED" or "DRAFT."

Alternatively, responses may be mailed to:

Box AF

Assistant Commissioner for Patents

Washington, DC 20231

Hand-delivered responses should be brought to:

Crystal Plaza 4, Fourth Floor (Receptionist)

2201 South Clark Place, Arlington, Virginia.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mrs. Renee Luebke at (703) 308-1511. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (703) 308-2319.



Renee S. Luebke

Primary Patent Examiner

October 25, 2002